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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SMITH, TYRONE W

ART UNIT PAPER NUMBER

2837

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,475

Applicant(s)

DOBSON, SIMON BLAIR

Examiner

Tyrone W Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14, 16-17 and 19-25 rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al (5932931).

Regarding Claims 1, 2, 4, 6-8, 10, 12, 14, 16, 17, and 19-24. Tanaka discloses a vehicle window control system responsive to external force(s) which includes a closure (Figure 1A) movable in aperture and an actuator system/electric motor and gears within (Figure 1A item 5) for moving the closure (column 2 lines 61-67 and column 3 lines 1-15). Tanaka invention further discloses a mounting system (Figure(s) 1A and 1B) having at least one measurement cell/speed sensor (Figure(s) 1A and 1B item 6) for measuring at least one parameter of the closure system (column 3 lines 16-40), the measurement cell/speed sensor generates an output based on one parameter which an output/first control means (column 5 lines 48-54 and column 6 lines 27-30) distinguishes an actuator force applied to the closure by the actuator (column 3 lines 33-67, column 4 lines 1-67 and column 5 lines 1-27) and an acceleration force/second control circuit (column 5 lines 55-61 and column 6 lines 31-34) is applied to the closure by an external acceleration (column 3 lines 33-67, column 4 lines 1-67 and column 5 lines 1-27). Both outputs are distinguished as two separate values.

Regarding Claims 3, 5, 9, and 11. Tanaka's invention can be applied, within the motor control arts, to any type of vehicle with door or window closure type capabilities.

Regarding Claim 25. Tanaka discloses a vehicle window control system responsive to external force(s) which includes a closure (Figure 1A) movable in aperture and an actuator system/electric motor and gears within (Figure 1A item 5) for moving the closure (column 2 lines 61-67 and column 3 lines 1-15). Tanaka invention further discloses a mounting system (Figure(s) 1A and 1B) having one measurement cell/speed sensor (Figure(s) 1A and 1B item 6) for measuring at least one parameter of the closure system (column 3 lines 16-40) and a second measurement cell/widow frame sensor (Figure(s) 1A and 1B item 7); the measurement cells generates an output based on parameters which is one of a output/first control means (column 5 lines 48-54 and column 6 lines 27-30) distinguishes an actuator force applied to the closure by the actuator (column 3 lines 33-67, column 4 lines 1-67 and column 5 lines 1-27) and an acceleration force/second control circuit (column 5 lines 55-61 and column 6 lines 31-34) applied to the closure by an external acceleration (column 3 lines 33-67, column 4 lines 1-67 and column 5 lines 1-27). Both outputs are distinguished as two separate values.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al (5932931) in view of Tajima et al (5832664).

Tanaka discloses a vehicle window control system responsive to external force(s) which includes a closure (Figure 1A) movable in aperture and an actuator system/electric motor and gears within (Figure 1A item 5) for moving the closure (column 2 lines 61-67 and column 3 lines

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1-15). Tanaka invention further discloses a mounting system (Figure(s) 1A and 1B) having at least one measurement cell/speed sensor (Figure(s) 1A and 1B item 6) for measuring at least one parameter of the closure system (column 3 lines 16-40), the measurement cell/speed sensor generates an output based on one parameter which a one output/first control means (column 5 lines 48-54 and column 6 lines 27-30) distinguishes an actuator force applied to the closure by the actuator (column 3 lines 33-67, column 4 lines 1-67 and column 5 lines 1-27) and an acceleration force/second control circuit (column 5 lines 55-61 and column 6 lines 31-34) applied to the closure by an external acceleration (column 3 lines 33-67, column 4 lines 1-67 and column 5 lines 1-27). Both outputs are distinguished as two separate values. However, Tajima does not disclose two measurement cells within the mounting system in a spaced apart relationship.

Tajima discloses a power window device with a safety device, which includes a motor (Figure(s) 1 and 5 #9), a system for manual movement of the window apparatus with a worm gear (Figure 1 and Figure 5 #1), position sensor (Figure(s) 1 and 5 #8), thrust load sensor (Figure 5 # 24) and a motor drive circuit (Figure 5 #32). The motor and the system for manual movement of the window apparatus with a worm gear perform as an actuator. The position sensor and the thrust sensor considered meeting the claimed measurement cells.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Tanaka's vehicle window control system responsive to external force(s) with Tajima's a power window device with a safety device. The advantage of combining the two would provide system that detects nipping by the window and related member but is not influenced by variations of motor characteristics, thereby enabling better safety control.

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Examiner's Response

5. Applicant's arguments with respect to claims 1-14, 16-17 and 19-25 have been considered but are moot in view of the new ground(s) of rejection. Examiner's rejection is based on the claims as presented and arguments/explanation of the invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 703-306-5987. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Tyrone Smith
Patent Examiner

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